

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

v.

David RICHARDS

1:18 MJ 9021

Case No. _____

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANT

I, Jason Guyton, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), currently assigned to HSI Cleveland, Ohio. I have been so employed since March, 2009. As part of my daily duties as an HSI Special Agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is being submitted for the limited purpose of establishing probable cause that David RICHARDS, age 61, currently residing at 4885 W 13th Street, Cleveland, OH 44109 violated Title 18, U.S.C. § 2252A(a)(5)(B) (accessing child pornography with intent to view) and Title 18, U.S.C. § 2252A(a)(2)(A) (receipt of child pornography).

4. The statements contained in this affidavit are based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. This affidavit includes only those facts that I believe are necessary to establish probable cause and does not include all of the facts uncovered during the investigation.

RELEVANT STATUTES

5. This investigation concerns alleged violations of:

- a. 18 U.S.C. §§ 2252A(a)(5)(B), which prohibits a person from knowingly accessing with intent to view any book, magazine, periodical, file, video tape, compact disk or any other material that contains visual depictions which were shipped or transported using any means and facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, or which was produced using materials that have been mailed, shipped, or transported in and affecting interstate and foreign commerce by any means, including by computer, the production of which involved the use of a minor engaged in explicit conduct, and which visual depictions were of such conduct.
- b. 18 U.S.C. §§ 2252A(a)(2)(A), which prohibits a person from knowingly

receiving, distributing or conspiring to receive or distribute any child pornography or any material that contains child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE

7. In October 2016, HSI Phoenix Special Agents became involved in an ongoing child pornography investigation with investigators from the New Zealand Department of Internal Affairs, Te Tari Taiwheuna, Digital Child Exploitation Team (NZDCET). This investigation involves multiple individuals residing in the United States as well as multiple other countries who utilize an Internet based website (the “website”) to distribute and/or collect image and video files depicting the sexual exploitation of children. This website operates an anonymous online network allowing users to post images and videos directly to the site, or post hyperlinks that direct users to files stored elsewhere on the Internet in multiple chat rooms. Topics discussed in chat rooms also include users distributing techniques and methods to mask their true identity, as well as methods to circumnavigate the website’s reporting protocols in order to distribute and/or collect child exploitation material. The owners of this website have given NZDCET investigators administrator rights to the website, so investigators can see the IP address a user is utilizing when they connect to the website.

8. Since October 2016, investigators have been entering chat rooms on this website and have been capturing screenshots of the activities occurring in them. Investigators noted that the vast majority of individuals who are in certain chat rooms on the website send messages

about abusing children as well as post URLs to child pornography that are stored elsewhere on the Internet. Investigators have been saving the child pornography associated with these URLs and have been attempting to locate the users who post them. As a result of this investigation a possible target was identified in Cleveland, Ohio.

9. On October 24, 2017, investigators were conducting undercover observations of a chat room entitled “Gxxx” on the identified website. An unidentified poster with the username “ShesTen” was observed in the “Gxxx” chat room and posted the following URL:

- <http://dropcanvas.com/7iwvr/151> (Posted at approximately 19:42:41 hours)

This URL directed investigators to image file “85.jpg”. Your Affiant reviewed this image which depicts an early pubescent female lying naked on her back with a naked adult male kneeling over her. The adult male is grasping his erect penis and the female’s genitals and stomach are covered in what appears to be semen. This URL and corresponding file was captured as part of the investigation. Investigators noted other users in the “Gxxx” chat room posted child pornography URLs during this period of observation.

10. On October 25, 2017, investigators were conducting undercover observations of a chat room entitled “Gxxx” on the identified website. An unidentified poster with the username “KydKnnt” was observed in the “Gxxx” chat room and posted the following URL:

- <http://dropcanvas.com/#O55gO1887Besme> (Posted at approximately 01:29:07 hours)

This URL directed investigators to twenty-one (21) image files. Your Affiant reviewed these and determined they all depicted suspected child pornography. This URL and corresponding files were captured as part of the investigation. Investigators noted other users in the “Gxxx” chat room posted child pornography URLs during this period of observation. Three (3) of these

image files can be more fully described as follows:

- a. “sr6jw75kw.jpg” – this image file depicts a naked prepubescent female lying on her back while an adult male engages in genital to genital sexual intercourse with her. The child has the word “Maxxx” with additional unrecognizable characters written across her stomach in black ink.
- b. “rhsrjtj.jpg” – this image file depicts a prepubescent female engaging in oral to genital sexual intercourse on an adult male. The male’s face is not visible and the focus of the picture is on the sex act.
- c. “q5h wyj.jpg” – this image file depicts two (2) prepubescent females (one nude and one wearing pajamas) with their hands grasping the erect penis of an adult male.

11. On October 31, 2017, investigators were conducting undercover observations of a chat room entitled “Gnude” on the identified website. An unidentified poster with the username “ShesTen” was observed in the “Gnude” chat room and posted the following URL:

- <http://dropcanvas.com/#scl854oF0182i2> (Posted at approximately 19:39:29 hours)

This URL directed investigators to fifty-six (56) image files. Your Affiant reviewed these and determined seven (7) of them depict suspected child pornography. Additional images depict child erotica. This URL and corresponding files were captured as part of the investigation.

Investigators noted other users in the “Gnude” chat room posted child pornography URLs during this period of observation. Two (2) of the suspected child pornography image files can be more fully described as follows:

- a. “zzz50.jpg” – this image file depicts a naked prepubescent female on her knees straddling the face of an adult male who appears to be engaging in oral to genital sexual intercourse on the child.
- b. “zzz51.jpg” – this image file depicts a naked prepubescent female lying on her back with her legs spread. A naked adult male is kneeling between the child’s legs and his index finger is inserted in her vagina. The male’s face is pixilated in the picture.

12. Investigators noted that on the dates discussed above that “ShesTen” and “KydKnnt” were accessing the “Gxxx” and “Gnude” chatrooms from a device utilizing the IP addresses 2607:fcc8:6105:800:15b4:c84b:b55d:81da, 2607:fcc8:6105:800:791e:3cc7:4c4c:dc9f, and 2607:fcc8:6105:800:8d09:b5af:497e:2273. Investigators researched these IP addresses using an open source IP geo-location website and found that it geo-located to North America, USA, with the Internet Service Provider (ISP) being identified as Time Warner Cable Internet LLC.

13. In December 2017, HSI Phoenix Special Agent (S/A) Christopher Shrable served Charter Communications (Charter Communications acquired Time Warner Cable) with a Department of Homeland Security (DHS) Summons requesting subscriber information for the following IP addresses: 2607:fcc8:6105:800:15b4:c84b:b55d:81da on October 24, 2017, at 7:42 PM UTC; 2607:fcc8:6105:800:791e:3cc7:4c4c:dc9f on October 25, 2017, at 1:29 AM UTC; and 2607:fcc8:6105:800:8d09:b5af:497e:2273 on October 31, 2017, at 7:39 PM UTC.

14. On December 12, 2017, Charter Communications Subpoena Compliance Team provided the following subscriber information for the aforementioned IP address, date and time (Charter Communications acquired Time Warner Cable in that service area):

Subscriber Name:	David Richards
Subscriber Address:	XXXX W 13 th ST, Cleveland, OH 44109-5655 (redacted)
Original Lease Start:	10/21/2017 3:25:10 PM
Lease End:	12/16/2017 7:09:50 AM
Phone Number:	(216)938-5659, (440)241-4599
User Name or Features:	davidrichard1@twc.com

15. On January 26, 2018, your Affiant conducted a computerized query of the Ohio Department of Public Safety database which revealed that the following individual has a current driver's license associated with the SUBJECT PREMISES: David RICHARDS, DOB - XX/XX/1956, SSN - XXX-XX-9702 (The first four digits of the date of birth and the first five digits of the social security number have been redacted for the purposes of this affidavit). The query also revealed that RICHARDS has a 2016 Jeep, red in color, registered to the SUBJECT PREMISES.

16. The OHLEG database also indicated that RICHARDS has a record in the electronic Sex Offender Notification (eSORN) database. The record shows that on March 2, 2005, RICHARDS was arrested by the Cleveland Police Department for Gross Sexual Imposition, a felony in Ohio. The victim in this case is listed as an eight (8) year old female. RICHARDS was sentenced to seventeen (17) months confinement in this matter and was placed on ten (10) years post release control. The record further indicated that RICHARDS' reporting period ended in July 2017, and that his status is currently inactive.

17. On January 30, 2018, a United States Postal Service inquiry revealed that David RICHARDS is the only individual receiving mail at the SUBJECT PREMISES. Further, there was no mail forwarding order on file.

18. On November 9, 2017, your Affiant conducted surveillance at the SUBJECT PREMISES. During these activities your Affiant observed a red Jeep bearing Ohio license plates in the driveway. This vehicle is registered to David RICHARDS at the SUBJECT PREMISES.

SEARCH OF XXXX W 13th Street, Cleveland, OH 44109 (redacted)

19. On February 21, 2018, a search warrant, authorized by United States Magistrate

Judge William H. Baughman, was executed at the SUBJECT PREMISES. The warrant was executed without incident and three (3) items (cellphone, computer, laptop) were seized. RICHARDS was present and voluntarily agreed to be interviewed in relation to this investigation.

20. RICHARDS told your Affiant that he utilized the Internet website that is the focus of this investigation to send and receive files depicting child exploitation. RICHARDS stated that he has been utilizing this website for approximately the last two (2) years using the usernames "ShesTen" and "gentledaddy". RICHARDS stated he would search this website primarily for nudist material involving female children between the ages of 6 and 12. RICHARDS stated that he began viewing child pornography approximately fifteen (15) years ago and admitted to masturbating to these images approximate nine (9) out of ten (10) times he viewed them. RICHARDS stated that his desktop computer would have at least one (1) video and maybe 100 image files depicting child pornography in the Pictures folder on his desktop.

21. A forensic preview of an HP Pavilion laptop computer uncovered one (1) movie file and sixty-nine (69) image files depicting suspected child pornography. Your Affiant reviewed some of these files and three (3) can be more fully described as follows:

- a. File "123572.StopNo001" is a 1 minute 57 second video file that depicts a prepubescent female who appears to be on a webcam. During the video the child can be observed inserting an object into her vagina, anus, and mouth.
- b. File "32937.Behind005.jpg" is an image file that depicts a prepubescent female who is naked from the waist down with an adult male engaging in genital to anal sexual intercourse on her. The image is focused on this act.

1:18 MJ 9021

- c. File "119998.Tied001.jpg" is an image file that depicts a naked toddler aged female lying on her back with her legs spread exposing her genitals and anus to the camera. The child's arms are spread and secured above her head with white cloth tied to each wrist.

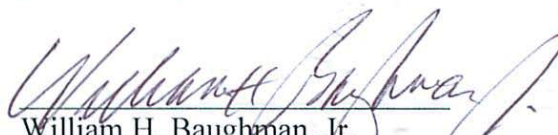
CONCLUSION

22. Based on the foregoing, there is probable cause to believe that David RICHARDS violated Title 18, U.S.C. § 2252A(a)(5)(B) (accessing child pornography with intent to view) and Title 18, U.S.C. § 2252A(a)(2)(A) (receipt of child pornography).



Special Agent Jason M. Guyton
Homeland Security Investigations

Subscribed and sworn before me this 21st day of February 2018.



William H. Baughman, Jr.
United States Magistrate Judge